

IN THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

JOHN DOE 2, by and through his,)
Father and Next Friend, JOHN DOE 1,)
Plaintiff,)
v.) Civil Action No. 1:18-cv-00846
FAIRFAX COUNTY SCHOOL BOARD,)
Defendant.)

AMENDED AFFIRMATIVE DEFENSES

Defendant FAIRFAX COUNTY SCHOOL BOARD, by counsel and pursuant to Rule 15 of the Federal Rules of Civil Procedure and the February 15, 2019 Order (EFC No. 82), amends its Answer and Affirmative Defenses to the allegations asserted in the Complaint filed by the Plaintiff John Doe 2 by adding additional affirmative defenses, as follows:

Thirteenth Affirmative Defense

The doctrine of *res judicata* bars Plaintiff's claims in this action on the basis of the December 14, 2018 Order Denying Petition for Review entered in *John Doe 1 and Jane Doe, Parents of John Doe 2 v. Fairfax County School Board*, Fairfax County Circuit Court, Case No. CL-2018-7388.

Fourteenth Affirmative Defense

The doctrine of collateral estoppel precludes Plaintiff from litigating in this action any factual issue litigated in *John Doe 1 and Jane Doe, Parents of John Doe 2 v. Fairfax County School Board*, Fairfax County Circuit Court, Case No. CL-2018-7388.

FAIRFAX COUNTY SCHOOL BOARD

By: _____ /s/

Michael E. Kinney (VSB #65056)

Counsel for Defendant Fairfax County School Board

TURNER & KINNEY, A PROFESSIONAL CORPORATION

20 W. Market Street

Leesburg, Virginia 20176

Telephone: (703) 669-9090

Facsimile: (703) 669-9091

mkinney@turnerkinney.com

CERTIFICATE OF SERVICE

I certify that on February 15, 2019, I electronically filed this AMENDED AFFIRMATIVE DEFENSES using the CM/ECF system, which will send a notification of such filing (NEF) to counsel of record for all Parties.

/s/
Michael E. Kinney (VSB #65056)